

Special Occasion Events – Overview

Introduction

P.L. 2023, c.9 became law on February 3, 2023. The law recognizes the positive effects that holding special occasion events (SOEs) on preserved farms can have, under certain conditions. Among these are helping sustain the agricultural industry, enhancing the growing demand for agritourism activities on farmland, and improving the viability of the state’s farm operations without displacing agricultural or horticultural use of the land, or disrupting neighborhoods that surround preserved farms. P.L. 2025, c.83 amended the SOE law on July 1, 2025.

What is an SOE?

An SOE is a cultural or social event, including a wedding, held on preserved farmland. For the purposes of P.L. 2023, c.9., SOEs do not include the following: activities eligible for Right to Farm Act protection; recreational uses already permitted under the farmland preservation deed of easement; and weddings held for the owner, operator, or employee of the commercial farm or weddings held for certain family members of the commercial farm owner.

Who May Apply to Hold SOEs?

The owner or operator of a preserved farm that is also a “commercial farm” may apply to hold SOEs. The preserved farmland must produce agricultural or horticultural products worth \$10,000 or more annually to qualify to hold SOEs. If the applicant to hold SOEs is a farm operator, and not the farm owner, the operator must obtain written authorization from the owner to apply.

How Many SOEs May Be Held?

Farm owners or operators can receive approval to hold up to twenty-six (26) SOEs per calendar year on the preserved farm. Up to six of the SOEs may have 250 or more guests in attendance at any time during the event. If a farm holds more than one SOE on the same day, only one of the SOEs on that day may have 100 or more guests. An event is considered a single SOE if the event lasts not more than two consecutive days and is marketed as a single event. Further, events held by or for a nonprofit entity do not count towards the twenty-six SOEs per calendar year limit if the event has fewer than 100 guests and the permittee does not charge for and receives no fees or compensation for hosting the event, other than for reimbursement of out-of-pocket expenses, which cannot exceed \$1,000.



NEW JERSEY

State Agriculture Development Committee

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web: www.nj.gov/agriculture/sadc

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Area Used to Hold SOEs

Occupied Area – The area used to host the SOEs is referred to as the “occupied area”, and includes all areas needed for structures, parking, and other infrastructure. The occupied area may be up to 10 acres or 10% of the preserved farmland acreage, whichever is less. SOEs may not interfere with the use of the preserved farm for agricultural or horticultural production and shall have only minimal effects on the occupied area and ensure that the land can be readily returned to productive agricultural or horticultural use after the event.

Permanent and Temporary Structures – SOEs can be held outside, or they can be held inside a building under certain conditions. No new permanent structures may be constructed for the purpose of holding SOEs, and improvements to existing structures are limited to the minimum required for the protection of health and safety.



SOEs may not be held in permanent structures that are less than five years old unless either:

- 1) For wineries – the structure was constructed and is used in accordance with the Right to Farm Act (N.J.S.A. 4:1C-9) by a winery for the primary purpose of facilitating the tasting, sale, consumption, production, packaging, or marketing of wine, wine-related products, or farm-related products, or
- 2) For farms that are not wineries – the total amount of revenue earned by the farm from all SOEs held on the farm during the calendar year does not exceed 10 percent of the farm’s total revenue during the calendar year.

Temporary structures or tents may be used, provided they comply with applicable construction and fire codes and are limited to use between April 1 to November 30.

Utilities and Parking Areas – No public utilities other than electric and water service may be extended to the preserved farm for holding SOEs. Parking areas for SOEs must use existing parking areas and land around existing buildings to the extent possible. Additional temporary, on-site parking areas are required to follow standards previously adopted by the SADC in regulation (N.J.A.C. 2:76-2A.13).



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How it Works

- 1) **Farm Submits Application** – Farm owners, or farm operators with written authorization from the owner, can submit an SOE application to the holder (grantee) of the Farmland Preservation Program (FPP) deed of easement.
- 2) **Easement Holder Reviews Application** – The easement holder, typically a County Agriculture Development Board (CADB), board of county commissioners, nonprofit organization, or State Agriculture Development Committee (SADC), will review the application. The grantee must first confirm that the farm complies with its FPP deed of easement in order for it to be eligible to hold SOEs.
- 3) **Review Timeline** – The grantee has 90 days to review an application once it has been deemed complete and “shall” approve the application if it adheres to the requirements in the law and to forthcoming regulations promulgated by the SADC. If the grantee does not respond to the application within 90 days, the application is deemed approved. A nonprofit grantee can approve, approve with conditions, or deny the application. A grantee cannot require a farm to submit an application to hold SOEs more than once annually.
- 4) **Annual Reporting and Certification Requirements** – Once an applicant receives approval to hold SOEs, the applicant is required to report annually to the grantee information about the SOEs held in the prior calendar year, including information on the dates, type of SOEs, and number of attendees of each event held. If an applicant was approved to use permanent structures less than five years old for SOEs, the applicant also would need to certify that the law’s provisions allowing for the use of such structures were met. The Grantee is required to send a copy of all the reporting information to the SADC.



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County, Nonprofit, and SADC Roles

Counties and nonprofit partners are responsible for accepting, reviewing, and acting on SOE applications from farms for which they hold the FPP deed of easement. No additional approval by the SADC is required; the SADC, like its partners, only reviews and acts on SOE applications from those farms on which it holds the easement. Partners must forward a copy of all SOE approvals/denials and annual reporting information received from participating farms to the SADC.

The SADC is directed to develop and adopt regulations governing the SOE program, however, applications may be submitted to and processed by the easement holder prior to the SADC adopting SOE rules. The SADC also is required to regularly report to the legislature on implementation of the program.

Municipal Role

All applicable State and local laws and regulations apply to the holding of SOEs, including but not limited to those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety. If the SOEs proposed by a farm would generate parking or traffic flow that could unreasonably interfere with normal traffic or emergency vehicle movement, or require the expenditure of municipal resources or inspections from agencies or authorities of the municipality, a municipality may require the submission of a municipal SOE application to review compliance of a farm's proposed SOEs with local laws. Municipalities may not charge more than a \$50 application fee and may not require more information than would be required for similar events conducted at a public park or another public venue.

For More Information

Please see the SADC website, www.nj.gov/agriculture/sadc, for a copy of the SOE law and an SADC Q&A document. Farm owners and operators, as well as farmland preservation partners, also can contact the SADC at (609) 984-2504 and ask for David Kimmel.



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